

3/19/07

SENATE NATURAL RESOURCES
COMMITTEE NO. 5
DATE 3-19-07
BILL NO. HB 205

Although I can not be here today to speak, I hope you will take the time to read my statement.

I urge you to support HB 205. The statute as it reads now, allows a very small number of people to bring a proceeding to the DNRC because the CAN, not because they have done any hydrological studies of a particular area they FEEL may have a water shortage or quality problem.

This mis-use of the statute causes untold expense to the State of Montana and property owners in the affected area.

I have personal experience with the Smith Valley CGA. Being an opponent of the CGA, we held public meetings and a 2-day open house to explain what the petitioners had filed and how this unproven document would affect their personal property rights. Each meeting was attended by over 175 people and over 200 property owners signed in at our open house. At no time did any of the 50+ petitioners offer up proof of any kind to show where, why, and how there was a water shortage in the over 7000 acres they were affecting by proposing a CGA. (that's 13 sections!) The petitioners decided there should be no further growth in Smith Valley—they had their slice of paradise and wanted to exclude others the same opportunity by stopping well drilling in the area. At no time did they have a public meeting to show proof of their petition.

Since the petitioners had absolutely no scientific data, no hydrological studies, no monitoring of existing wells, we as opponents were forced to prove a negative. We hired a hydrogeologist, a statistician, and an engineering firm to prove that the petitioner's non-evidence was bogus and that actually there was no water shortage. This at a cost of over \$100,000.00 while the petitioners spent (according to them) less than \$7,000.00. They even went so far as to ask the state for grants to cover OWED expenses.

This is a total abuse of the statute—all because they did not want new growth in the area. The statute was and should be for the protection of existing water rights as it pertains to a water shortage or water quality problem, not as a tool to take personal property rights. Many land owners have their property for a rainy day or retirement and should not lose their life savings and personal property rights at the expense of a few people.

Kathleen Sudan, 495 Hoffman Draw, Kila, MT 59920 (406) 257-1786

